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SUBJECT: THE GAMBIA: FATOU JAW MANNEH'S TRIAL CONTINUES

REF: BANJUL 200 AND PREVIOUS

Classified By: Pol/Econoff Menaka M. Nayyar for Reason 1.4 (b and d)

¶1. (U) The trial of U.S.-based journalist Fatou Jaw Manneh, accused of sedition, resumed on April 20 with a closed court session, during which an officer of the National Intelligence Agency (NIA) continued his testimony from April 13. Journalistic accounts of the session report that the witness discussed his conversation with the defendant during her interrogation at the NIA. The witness also allegedly refuted Manneh's derogatory comments about President Jammeh in her 2004 press interview, which are being used as evidence of sedition. (NOTE: As previously reported, the offending text comes from a 2004 press interview given by Manneh, but in the court it is cited as an October 2005 document. The text cited is the same. END NOTE) The trial is set to resume Friday, May 4.

¶2. (C) A reliable source was able to gain access to the session, despite its closed status. The source indicated that the defense counsel, Lamin Jobarteh, objected to the witness's generalizations about Gambians' supposedly positive view of Jammeh -- in contrast to the defendant's criticisms of him -- and tried to discredit him as an unreliable witness. Jobarteh also demonstrated that the witness was not aware of the meaning of at least one of the crucial terms used by Manneh in her anti-Jammeh commentary, arguing that knowledge of the word was necessary to giving a valid opinion on that commentary.

¶3. (C) On April 19, Poloff met with Manneh's lawyer, Lamin Jobarteh, to discuss the case and his client's prospects. Jobarteh expressed serious concern for the safety of his client, and admitted he had received threats regarding his own personal safety. Regarding the trial, Jobarteh noted the use of the articles cited as evidence did not comply with the Gambian law with respect to evidentiary procedure. He was pessimistic as to the trial's outcome, stating it was clear to him that Manneh would be convicted and describing the proceedings as a "show trial" without basis for the stated charges of sedition. Jobarteh also asserted that should Manneh be convicted she will have the right to appeal, but he doubted that her appeal would have any chance of success.

COMMENT

¶4. (C) It had appeared that this trial would be concluded quickly, but the two-week hiatus until the next session suggests otherwise. It is particularly noteworthy that Manneh's lawyer seems to be convinced that she will be convicted despite the scanty evidence, faltering testimony of the NIA witness, and generally weak case against her. The lawyer, Jobarteh, did not indicate what his strategy would be at the next session. We note that to date neither side has presented testimony bearing directly on the charge of

sedition against Ms. Manneh, i.e. whether her criticisms of Jammeh in her press interview were in fact seditious statements. An Embassy official will attend the May 4 session if it is possible to gain access to the courtroom. Post will continue to monitor the trial and treatment of Ms. Manneh and provide updates. END COMMENT
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